

REGULATION DEVELOPMENT UPDATE |

July 2020



In this Issue |

DHEC publishes this online report the fourth Friday of each month to exhibit pending regulatory initiatives. The report includes proposed new regulations and amendments and repeals of existing regulations.

Environmental Affairs

Air	1
Environmental Health Services	2
Land and Waste	7
Ocean and Coastal Resource Management	13
Water	15

Healthcare Quality

Facilities Oversight	18
Healthcare Professionals	21

Public Health

Community Health Services	24
Public Health Preparedness	25

Finance

Budgets and Financial Planning	26
--------------------------------	----

More Information |

DHEC Regulatory Information
www.scdhec.gov/permits-regulations

South Carolina State Register
<https://www.scstatehouse.gov/registerandregs.php>

Terminology
NOD - Notice of Drafting
NPR - Notice of Proposed Regulation
NFR - Notice of Final Regulation

R.61-62, Air Pollution Control Regulations and Standards – Proposed Amendment

Exempt from General Assembly review

Link to published Notice of Drafting (“NOD”): [State Register Volume 44, Issue 2 \(Page 12\)](#)

Status |

NOD published; comment period closed

Contact Information |

R. Scott Bigleman, Bureau of Air Quality
2600 Bull Street | Columbia, SC 29201
biglemrs@dhec.sc.gov

Summary |

The United States Environmental Protection Agency (EPA) promulgates amendments to the Code of Federal Regulations (CFR) throughout each calendar year. Recent federal amendments at 40 CFR Parts 60, 63, and 68 include revisions to New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, and Chemical Accident Prevention Provisions.

The Department proposes amending R.61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards; R.61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories; and R.61-62.68, Chemical Accident Prevention Provisions, to incorporate by reference federal amendments promulgated from January 1, 2019, through December 31, 2019.

The Department also proposes amending R.61-62.60 to add Subpart UUUUa, which will include provisions for facilitating implementation of the EPA’s “Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units,” also known as the Affordable Clean Energy rule (ACE), as published in the *Federal Register* on July 8, 2019 (84 FR 32520). This proposed amendment is to ensure compliance with federal law.

The Department also proposes amending R.61-62.60 to delete Subpart B - “Adoption and Submittal of State Plans for Designated Facilities.” This subpart incorporates by reference EPA implementing regulations found at 40 C.F.R. Part 60, Subpart B, which is directly applicable to EPA and states. These implementing regulations have been updated through EPA’s promulgation of 40 C.F.R. Part 60, Subpart Ba, which is also directly applicable to EPA and states and need not be incorporated by reference by the Department. The Department therefore proposes to delete R.61-62.60, Subpart B for simplicity and to maintain compliance with federal law.

The Department may also propose other changes to R.61-62, Air Pollution Control Regulations and Standards, as deemed necessary to maintain compliance with federal law. These changes may include corrections or other changes for internal consistency, clarification, reference, punctuation, codification, formatting, spelling, and overall improvement of the text of R.61-62 as necessary.

The Administrative Procedures Act, S.C. Code Section 1-23-120(H)(1), exempts these amendments from General Assembly review, as the Department proposes these amendments to maintain compliance with federal law.

History |

NOD published; comment period started:
NOD comment period closed:

February 28, 2020
March 30, 2020

R.61-34, Raw Milk for Human Consumption – Proposed Amendment

R.61-34.1, Pasteurized Milk and Milk Products – Proposed Amendment

General Assembly review required

Link to published Notice of Drafting (“NOD”): [State Register Volume 44, Issue 3 \(Page 17\)](#)

Status |

NOD published; comment period closed

Contact Information |

Sandra D. Craig, Bureau of Environmental Health Services
2600 Bull Street | Columbia, SC 29201
craigsd@dhec.sc.gov

Summary |

Pursuant to R.61-34, Raw Milk for Human Consumption, the Department provides sanitation oversight for the production and sale of raw milk that has not been pasteurized for food safety in South Carolina. The Department proposes amending R.61-34 to address the further processing and sale of raw milk products, such as cream and buttermilk, and any additional consumer advisory changes that would be needed for products that receive further processing or become necessary as a byproduct of further processing (if allowed). The proposed revisions would also update raw milk standards if needed to align certain requirements with the 2019 version of the U.S. Food and Drug Administration Pasteurized Milk Ordinance (“PMO”).

Pursuant to R.61-34.1, Pasteurized Milk and Milk Products, the Department provides sanitation oversight of the production and sale of pasteurized milk and milk products for both intrastate and interstate commerce. The Department proposes incorporating requirements of the 2019 PMO through amendment of R.61-34.1. The regulation is currently based on the 2013 PMO and will not meet the federal standards after this year. The amendment of R.61-34.1 to incorporate the updated requirements of the 2019 PMO would enable South Carolina milk producers to continue to meet federal standards and ship milk and milk products for interstate commerce. The Department further proposes clarification of requirements for potable water sources.

The Department may also include changes to both regulations for clarity and readability, grammar, punctuation, and codification, and other regulatory text improvement. Amendments to both regulations may also include updates to administrative and enforcement provisions.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

History |

NOD published; comment period started:
NOD comment period closed:

March 27, 2020
April 27, 2020

R.61-32, Soft Drink and Water Bottling Plants – Final Amendment

R.61-54, Wholesale Commercial Ice Manufacturing – Final Repeal

State Register Document No. 4903

General Assembly review required

Link to published Notice of Final Regulation (“NFR”): www.scstatehouse.gov/regs/4903.docx

Status |

NFR published/Legal effect: June 26, 2020

Contact Information |

Sandra D. Craig, Bureau of Environmental Health Services
2600 Bull Street | Columbia, SC 29201
craigsd@dhec.sc.gov

Summary |

The purpose of R.61-32, Soft Drink and Water Bottling Plants, and R.61-54, Wholesale Commercial Ice Manufacturing, are to safeguard public health and provide consumers safe, unadulterated soft drinks, bottled water, and wholesale ice products manufactured in South Carolina to be sold and distributed both in state and out of state. These regulations govern the production, processing, storing, labeling, transportation, and distribution of soft drinks, bottled water, and wholesale ice products. The regulations are based on Title 21, Part 110 Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food of the Code of Federal Regulations (CFR) (21 CFR Part 110).

The Department of Health and Environmental Control (Department) last amended R.61-32 in 2004 and R.61-54 in 2008. Earlier this year, 21 CFR Part 110 Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food was replaced by 21 CFR Part 117 Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls For Human Food. There have been numerous changes in the manufactured food industry, including changes to food handling practices, food equipment technology, and food preparation processes, making R.61-32 and 61-54 outdated. The new federal regulation updates good manufacturing processes and incorporates new preventive controls for minimizing or preventing food safety hazards.

The Department proposes amending the provisions of R.61-32, Soft Drink and Water Bottling Plants, and R.61-54, Wholesale Commercial Ice Manufacturing to incorporate standards of the new federal regulation. The structure of the federal regulation also facilitates combining provisions governing manufactured water-based products into one streamlined regulation, instead of two separate regulations with repetitive content. To achieve this more functional, streamlined regulation, the Department proposes repealing R.61-54 and combining its revised provisions into R.61-32. This also includes amending the title of R.61-32 to “Wholesale Bottled Water, Soft Drinks, and Ice Manufacturing.” The proposed amendments also include other changes not required by federal law, including additions, updates, and clarifications to administrative requirements, enforcement requirements, and definitions, as well as other changes deemed necessary by the Department to improve the overall clarity, organization, and quality of the regulation. These changes include stylistic changes such as corrections for clarity and readability, grammar, punctuation, references, codification, and overall improvement of the text of the regulation.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments and repeal.

History |

NOD published; comment period started:	April 26, 2019
NOD comment period closed:	May 28, 2019
Board approval to publish NPR:	September 12, 2019
NPR published; comment period started:	September 27, 2019
NPR comment period closed:	October 28, 2019
Public Hearing:	December 12, 2019

R.61-35, Imitation Milk, Imitation Milk Products, and Products Made in Semblance of Milk and Milk Products – Final Repeal

R.61-36, Frozen Desserts – Final Amendment

State Register Document No. 4902

General Assembly review required

Link to published Notice of Final Regulation (“NFR”): www.scstatehouse.gov/regs/4902.docx

Status |

NFR published/Legal effect: June 26, 2020

Contact Information |

Sandra D. Craig, Bureau of Environmental Health Services
2600 Bull Street | Columbia, SC 29201
craigsd@dhec.sc.gov

Summary |

The purpose of R.61-36, Frozen Desserts, and R.61-35, Imitation Milk, Imitation Milk Products, and Products Made in Semblance of Milk and Milk Products, is to safeguard public health and provide consumers safe, unadulterated frozen dessert and imitation dairy food products manufactured in South Carolina to be sold and distributed both in state and out of state. These regulations govern the production, processing, storing, labeling, transportation, and distribution of frozen desserts and imitation dairy foods that are not regulated as “Grade A” milk under the provisions of R.61-34, Raw Milk for Human Consumption, or R. 61-34.1, Pasteurized Milk and Milk Products. The regulations are based on Title 21, Part 110 Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food of the Code of Federal Regulations (CFR) (21 CFR Part 110).

The Department of Health and Environmental Control (Department) last amended R.61-36 in 2004. Earlier this year, 21 CFR Part 110 Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food was replaced by 21 CFR Part 117 Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls For Human Food. There have been numerous changes in the manufactured food industry, including changes to food handling practices, food equipment technology, and food preparation processes, making R.61-36, Frozen Desserts, and 61-35, Imitation Milk, Imitation Milk Products, and Products Made in Semblance of Milk and Milk Products, outdated. The new federal regulation updates good manufacturing processes and incorporates new preventive controls for minimizing or preventing food safety hazards.

The Department proposes amending the provisions of R.61-36 and R.61-35 to incorporate standards of the new federal regulation. The structure of the federal regulation also facilitates combining provisions governing all manufactured dairy products into one streamlined regulation, instead of two separate regulations with repetitive content. As part of this new streamlined regulation, the Department also proposes adding requirements for manufacturing cheese, butter, and other non-grade “A” milk products. The South Carolina Department of Agriculture previously regulated cheese and butter products (also under 21 CFR Part 110 Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food); however, oversight now resides with the DHEC.

To achieve this more functional, streamlined regulation, the Department proposes repealing R.61-35 and combining its revised provisions into R.61-36. This includes amending the title of R.61-36 to “Manufactured Grade Dairy Products.”

The proposed amendments also entail changes not required by federal law, including updates from the current Pasteurized Milk Ordinance (PMO) and additions, updates, and clarifications to administrative requirements, enforcement requirements, and definitions, as well as other changes deemed necessary by the Department to improve the overall clarity, organization, and quality of the regulation. These changes include stylistic changes such as corrections for clarity and readability, grammar, punctuation, references, codification, and overall improvement of the text of the regulation.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments and repeal.

History |

NOD published; comment period started:	April 26, 2019
NOD comment period closed:	May 28, 2019
Board approval to publish NPR:	September 12, 2019
NPR published; comment period started:	September 27, 2019
NPR comment period closed:	October 28, 2019
Public Hearing:	December 12, 2019

R.61-55, Septic Tank Site Evaluation Fees – Proposed Repeal

R.61-56, Onsite Wastewater Systems – Proposed Amendment

R.61-56.1, License to Construct or Clean Onsite Sewage Treatment and Disposal Systems and Self-Contained Toilets – Proposed Repeal

R.61-56.2, Licensing of Onsite Wastewater System Master Contractors – Proposed Repeal

General Assembly review required

Link to published Notice of Drafting (“NOD”): [State Register Volume 44, Issue 3 \(Page 17\)](#)

Status |

NOD published; comment period closed

Contact Information |

David R. Vaughan, Bureau of Environmental Health Services
2600 Bull Street | Columbia, SC 29201
vaughadr@dhec.sc.gov

Summary |

Pursuant to R.61-56, the Department helps to ensure the safe treatment and disposal of domestic wastewater to protect the health of families and communities. In accordance with R.61-55, R.61-56, R.61-56.1, and R.61-56.2, the Department issues onsite wastewater contractor licenses, permits to construct, and approvals to operate for individual onsite wastewater treatment systems (septic systems).

The Department proposes amending R.61-56, Onsite Wastewater Systems, to add new system standards, clarify and amend definitions, and clarify and update selected sections. The amendments will modernize the regulation and streamline permitting procedures to address needed updates in administering the Onsite Wastewater program.

The Department also proposes amending provisions of R.61-56.1 and R.61-56.2 and merging R.61-56.1 and R.61-56.2 into R.61-56 to improve efficiency and clarity for regulated entities and the public. This will entail repealing R.61-56.1 and R.61-56.2 and simultaneously adding their provisions, as amended, to R.61-56. The proposed amendments will include changes to licensing requirements for pumpers and haulers currently under R.61-56.1. The proposed amendments will revise provisions currently contained in R.61-56.2 to implement a tiered licensing program to establish improved competency of onsite wastewater system contractors/installers. This approach includes new requirements for examination and continuing education. In addition, because R.61-56.1 and R.61-56.2 are being combined with R.61-56, previously separate enforcement provisions will also be consolidated and updated for clarity and to improve administration of the Onsite Wastewater program.

In the interest of efficiency, the Department proposes repealing R.61-55 and adding its provisions to R.61-56. The proposed amendments related to R.61-55 will include amendments to definitions and other changes as necessary to facilitate merging this regulation into R.61-56.

The Department may also include corrections for clarity and readability, grammar, punctuation, codification, and regulation text improvement. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments and repeals.

History |

NOD published; comment period started:
NOD comment period closed:

March 27, 2020
April 27, 2020

R.61-63, Radioactive Materials (Title A) – Proposed Amendment

State Register Document No. 4958

Exempt from General Assembly review

Link to published Notice of Proposed Regulation (“NPR”): www.scstatehouse.gov/regs/4958.docx

Status NPR published; comment period closed	Contact Information Lynne Garner , Bureau of Land and Waste Management 2600 Bull Street Columbia, SC 29201 garnerld@dhec.sc.gov
---	--

Summary |

The federal Atomic Energy Act of 1954 enables the United States Nuclear Regulatory Commission (“Commission”) to enter into agreements with state governors allowing for state regulation of byproduct, source, and special nuclear material. 42 U.S.C. Section 2121. The Commission enters into such agreements if it finds the state regulatory program complies with applicable federal regulations. *Id.* To renew South Carolina’s ongoing agreement with the Commission, the Department of Health and Environmental Control (“Department”) proposes amendments to R.61-63 for compliance with the Commission’s federal regulatory updates. The proposed amendments add clarifications or corrections to Part II of the regulation. Additionally, the proposed amendments authorize the Department to review their general licensees’ quality assurance program for the use of Commission-approved Type B packaging for transportation of radioactive material as required in NRC Regulation Title 10, Code of Federal Regulation (“CFR”) Part 71.

The Administrative Procedures Act, S.C. Code Section 1-23-120(H)(1), exempts these amendments from General Assembly review, as the Department proposes these amendments for compliance with federal law.

History 	
NOD published; comment period started:	October 25, 2019
NOD comment period closed:	November 25, 2019
Board approval to publish NPR:	February 13, 2020
NPR published; comment period started:	February 28, 2020
NPR comment period closed:	March 30, 2020
Public Hearing (rescheduled):	September 10, 2020
(canceled):	July 9, 2020
(canceled):	May 7, 2020

R.61-79, Hazardous Waste Management Regulations – Proposed Amendment

General Assembly review required

Link to published Notice of Drafting (“NOD”): [State Register Volume 44, Issue 4 \(Page 83\)](#)

Status |

NOD published; comment period closed

Contact Information |

Joe Bowers, Bureau of Land and Waste Management
2600 Bull Street | Columbia, SC 29201
bowersjb@dhec.sc.gov

Summary |

Pursuant to R.61-79, Hazardous Waste Management Regulations, the Department has the authority to manage hazardous wastes in the state of South Carolina. The Department proposes amending R. 61-79 to adopt two final rules published by the United States Environmental Protection Agency (“EPA”). Because these two rules make standards less stringent than the standards authorized states have been enforcing, the EPA has made adoption optional. The two final rules are summarized as follows:

1. The Department proposes adopting the rule titled “Safe Management of Recalled Airbags,” published on November 30, 2018, at 83 FR 61552-61563. This rule provides a conditional exemption from the Resource Conservation and Recovery Act (“RCRA”) hazardous waste requirements for entities, including automobile dealerships, automotive salvage and scrap yards, independent repair facilities and collision centers, that collect airbag modules and inflators (“airbag waste”) from automobiles as long as certain conditions are met. This rule will help facilitate a more expedited removal of defective airbag inflators.

2. The Department proposes adopting the rule titled “Universal Waste Regulations: Addition of Aerosol Cans,” published on December 9, 2019, at 84 FR 67202-67220. This rule adds hazardous waste aerosol cans to the universal waste program under the federal Resource Conservation and Recovery Act (“RCRA”) regulations. This change is expected to reduce regulatory burdens for retail stores and other establishments that generate, manage and dispose of aerosol cans by providing a clear, protective system for handling waste aerosol cans. This will promote the collection and recycling of aerosol cans and encourage the development of municipal and commercial programs to reduce the amount of aerosol can waste going to municipal solid waste landfills or combustors.

The Department may also include changes such as corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

History |

NOD published; comment period started:
NOD comment period closed:

April 24, 2020
May 26, 2020

R.61-79, Hazardous Waste Management Regulations – Proposed Amendment

Exempt from General Assembly review

Link to published Notice of Drafting (“NOD”): [State Register Volume 44, Issue 4 \(Page 83\)](#)

Status |

NOD published; comment period closed

Contact Information |

Joe Bowers, Bureau of Land and Waste Management
2600 Bull Street | Columbia, SC 29201
bowersjb@dhec.sc.gov

Summary |

Pursuant to R.61-79, Hazardous Waste Management Regulations, the Department has the authority to manage hazardous wastes in the state of South Carolina. The Department proposes adopting the rule titled “Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine,” published on February 22, 2019, at 84 FR 5816-5950. This rule, published in the Federal Register by the Environmental Protection Agency (“EPA”), creates new standards for the management of hazardous waste pharmaceuticals by healthcare facilities and reverse distributors in lieu of the generator regulations in Part 262 of R.61-79. To better protect drinking and surface water, this rule establishes prohibitions on facilities from disposing of hazardous waste pharmaceuticals down the drain. This regulation also maintains the household hazardous waste exemption for pharmaceuticals collected during pharmaceutical take-back programs and events, while ensuring their proper disposal and codifies EPA’s prior policy on the regulatory status of nonprescription pharmaceuticals going through reverse logistics. In addition, under this new rule, U.S. Food and Drug Administration-approved, over-the-counter nicotine replacement therapies (i.e., nicotine patches, gums and lozenges) will no longer be considered hazardous waste when discarded. This final rule also establishes a policy on the regulatory status of unsold retail items that are not pharmaceuticals and are managed via reverse logistics.

Pursuant to the Administrative Procedures Act, S.C. Code Ann. Section 1-23-120(H)(1), this proposed amendment is exempt from General Assembly review because it is necessary to maintain compliance with federal law.

History |

NOD published; comment period started:
NOD comment period closed:

April 24, 2020
May 26, 2020

R.61-79, Hazardous Waste Management Regulations – Final Amendment

State Register Document No. 4883

General Assembly review required

Link to published Notice of Final Regulation (“NFR”): www.scstatehouse.gov/regs/4883.docx

Status |

NFR published/Legal effect: June 26, 2020

Contact Information |

Joe Bowers, Bureau of Land and Waste Management
2600 Bull Street | Columbia, SC 29201
bowersjb@dhec.sc.gov

Summary |

The Department proposes adopting the “Revisions to the Definition of Solid Waste Rule,” published on January 13, 2015, at 80 FR 1694-1814 and May 30, 2018, at 83 FR 24664-24671. This United States Environmental Protection Agency (“EPA”) rule revised several recycling-related provisions issued under the authority of Subtitle C of the Resource Conservation and Recovery Act. The purpose of these revisions is to encourage reclamation of hazardous secondary materials in an environmentally safe manner. The federal rule has made the recycling-related provisions less stringent than previous standards. Because the standards are now less stringent than what states have been enforcing, the EPA has made state adoption optional. The proposed amendments are described in EPA Checklist 233D2 (2008 DSW exclusions and non-waste determinations, including revisions from 2015 DSW final rule and 2018 DSW final rule) and Checklist 233E (Remanufacturing Exclusion). These checklists may be found at <https://www.epa.gov/rcra/rule-checklists-applications-state-authorization-under-resource-conservation-and-recovery-act>.

The Department also proposes amending R.61-79 to correct typographical errors, citation errors, and other errors and omissions that have come to the Department’s attention, such as correcting form references, updating definitions, adding language that was erroneously omitted during adoption of previous rules, and other such changes.

The Administrative Procedures Act, S.C. Code Ann. Section 1-23-120(A), requires General Assembly review of these proposed amendments.

History |

NOD published; comment period started:	March 22, 2019
NOD comment period closed:	April 22, 2019
Board approval to publish NPR:	May 9, 2019
NPR published; comment period started:	May 24, 2019
NPR comment period closed:	June 24, 2019
Public Hearing:	November 7, 2019

Land and Waste Management | Environmental Affairs

R.61-107.4, Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings and Organic Residuals – Proposed Amendment

General Assembly review required

Link to published Notice of Drafting (“NOD”): [State Register Volume 44, Issue 5 \(Page 66\)](#)

Status |

NOD published; comment period closed

Contact Information |

Juli Blalcok, Bureau of Land and Waste Management
2600 Bull Street | Columbia, SC 29201

Summary |

Pursuant to R.61-107.4, Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings and Organic Residuals, the Department oversees the recycling of food waste, yard trash, brush and other organic material to produce compost and wood mulch. The Department proposes amending R.61-107.4, to more effectively regulate composting facilities, and better protect human and environmental health. The proposed amendments will address issues including quality assurance and testing requirements, acceptance of unauthorized wastes, and permitting requirements. Proposed amendments may also include operating requirements, including material management, equipment maintenance, fire preparedness, and prevention of vectors, odors, dust, and litter. The Department also proposes amending the financial assurance requirements for permitted composting facilities to ensure the requirements are adequate for closure, post-closure, and corrective action activities, but do not create an undue burden for composters.

The Department may also include changes such as corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

The Administrative Procedures Act, S.C. Code Ann., Section 1-23-120(A), requires General Assembly review of this proposed amendment.

History |

NOD published; comment period started:	May 22, 2020
NOD comment period closed:	June 22, 2020

61-107.20, Regulation Name Pending – Proposed New Regulation

General Assembly review required

Link to published Notice of Drafting (“NOD”): [State Register Volume 44, Issue 5 \(Page 66\)](#)

Status |

NOD published; comment period closed

Contact Information |

Juli Blalcok, Bureau of Land and Waste Management
2600 Bull Street | Columbia, SC 29201

Summary |

During the 2018 legislative session, the General Assembly passed Act 170 (“Act”), which revised the South Carolina Solid Waste Policy and Management Act of 1991. The Act codified language at S.C. Code Ann. Section 44-96-360 *et seq.*, which establishes conditions for facilities that process or recycle construction and demolition debris.

The Department proposes a new regulation to address and implement provisions of the Act to regulate facilities that process or recycle construction and demolition debris. This new regulation, R.61-107.20, will establish requirements including registration, permitting, location, operation, and reporting requirements for construction and demolition debris processing and recycling facilities. The regulation will also address the applicability of the regulation and will clarify exemption requirements. For facilities that fail to adhere to proper procedures, the regulation will address penalties and establish procedures for the revocation or suspension of a permit.

The Administrative Procedures Act, S.C. Code Ann., Section 1-23-120(A), requires General Assembly review of this new regulation.

History |

NOD published; comment period started:
NOD comment period closed:

May 22, 2020
June 22, 2020

Ocean and Coastal Resource Management | Environmental Affairs

R.30-1, Statement of Policy – Proposed Amendment

R.30-12, Specific Project Standards for Tidelands and Coastal Waters – Proposed Amendment

General Assembly review required

Link to published Notice of Drafting (“NOD”): [State Register Volume 44, Issue 4 \(Page 84\)](#)

Status |

NOD published; comment period closed

Contact Information |

Tara Maddock, Office of Coastal and Resource Management
1362 McMillan Avenue, Suite 400 | Charleston, SC 29405
maddoctc@dhec.sc.gov

Summary |

Pursuant to R.30-1 through 30-18, Coastal Division Regulations, the Department seeks to implement the policies of the S.C. Coastal Zone Management Act (S.C. Code Section 48-39-10 et seq.) to promote the economic and social welfare of the citizens of this State while protecting the sensitive and fragile areas in the coastal counties and promoting sound development of coastal resources. The Department proposes amending R.30-12.C and adding new sections R.30-1.D(31) and R.30-12.Q to provide a definition and add project standards for living shorelines. Coastal property owners in South Carolina have expressed an increased interest in the use of living shorelines as an alternative to hardened erosion control structures within the estuarine environment. Coastal Division regulations currently do not provide guidance specific for living shoreline installations. The lack of a regulatory definition or specific project standards for living shorelines has resulted in longer permitting review times and uncertainties about project performance. The proposed amendments will allow for a more efficient authorization process by defining which projects qualify as a living shoreline and establishing specific standards for living shoreline installations. This will help ensure a project’s design will accomplish intended goals.

The proposed amendments will be developed using scientific data and monitoring results from existing living shoreline installations in South Carolina and input from state and federal agencies, stakeholder working groups, and other interested parties. By providing living shorelines as an alternative method of estuarine shoreline stabilization, additional benefits to water quality and oyster stock may also be realized.

The Department may also include stylistic changes, such as corrections for clarity and readability, grammar, punctuation, references, codification, and overall improvement of the text of the regulation.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

History |

NOD published; comment period started:
NOD comment period closed:

April 24, 2020
May 26, 2020

Ocean and Coastal Resource Management | Environmental Affairs

R.30-1, Statement of Policy – Final Amendment

R.30-14, Administrative Procedures – Final Amendment

State Register Document No. 4897

General Assembly review required

Link to published Notice of Final Regulation (“NFR”): www.scstatehouse.gov/regs/4897.docx

Status |

NFR published/Legal effect: June 26, 2020

Contact Information |

Liz Hartje, Office of Coastal and Resource Management
1362 McMillan Avenue, Suite 400 | Charleston, SC 29405
hartjeen@dhec.sc.gov

Summary |

The Department of Health and Environmental Control (“Department”) proposes amending R.30-1.D(43) and R.30-14.E., F., and G. to incorporate state statutory changes. The Beachfront Management Reform Act, Act 173 of 2018 (“Act”), requires the Department to establish, based on best available data, the position of baselines and setback lines during establishment cycles not less than every seven (7) years and not more than every ten (10) years following a previous establishment cycle. The purpose of these jurisdictional lines is to delineate the extent of the Department’s direct permitting authority for activities within the defined beaches and beach/dune system critical areas.

The Act establishes the position of the jurisdictional baselines and setback lines for the 2018 establishment cycle. Section 8 of the Act requires the Department to promulgate regulations for implementation, including provisions to locate a primary oceanfront sand dune. The Department convened a Beachfront Jurisdictional Line Stakeholder Workgroup in 2018 to provide input into this process.

The proposed amendments are based on final recommendations of the workgroup and associated public engagement and input. The proposed amendments provide clarity and standards to be utilized in the establishment of the state’s beachfront jurisdictional lines. The proposed amendments also modify specific procedures related to appeals and movement of the jurisdictional lines to comply with Act 173 and Coastal Zone Critical Areas, Act 197 of 2016.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

History |

NOD published; comment period started:	April 26, 2019
NOD comment period closed:	May 28, 2019
Board approval to publish NPR:	September 12, 2019
NPR published; comment period started:	September 27, 2019
NPR comment period closed:	October 28, 2019
Public Hearing:	December 12, 2019

R.61-43, Standards for the Permitting of Agricultural Animal Facilities – Proposed Amendment

General Assembly review required

Link to published Notice of Drafting (“NOD”): [State Register Volume 44, Issue 6 \(page 62\)](#)

Status |

NOD comment period open:
June 26, 2020 – July 27, 2020

Contact Information |

Charles Williams, Bureau of Water
2600 Bull Street | Columbia, SC 29201
williacj@dhec.sc.gov

Summary |

Pursuant to R.61-43, Standards for the Permitting of Agricultural Animal Facilities, the Department permits facilities for the growing or confining of animals that have a lagoon and/or over 30,000 pounds of animals to ensure the proper processing of animal waste and by-products. The Department proposes amending R.61-43 to incorporate the following statutory changes made by the General Assembly through passage of Act No. 139, which took effect March 12, 2018:

1. The General Assembly amended Section 44-1-65 to establish specific requirements for the review and appeal of decisions by DHEC regarding the permitting, licensing, certification, or other approval of poultry and other animal facilities (except swine facilities);
2. The General Assembly amended Section 44-1-60 to revise and clarify procedures for reviewing permits for poultry and other animal facilities (except swine facilities); and
3. The General Assembly amended Section 46-45-80 regarding setback distances for poultry and other animal facilities (except swine facilities) to prohibit DHEC from requiring additional setback distances if established distances are achieved, to allow waiver of the established setback distances in certain circumstances, and other purposes.

The Department may also include changes such as corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

R.61-68, Water Classifications and Standards – Final Amendment

State Register Document No. 4887

General Assembly review required

Link to published Notice of Final Regulation (“NFR”): www.scstatehouse.gov/regs/4887.docx

Status |

NFR published/Legal effect: June 26, 2020

Contact Information |

Andrew Edwards, Bureau of Water
2600 Bull Street | Columbia, SC 29201
edwardsaj@dhec.sc.gov

Summary |

R.61-68 establishes appropriate goals and water uses to be achieved, maintained, and protected, general rules and water quality criteria to protect classified and existing water uses, and an antidegradation policy to protect and maintain the levels of water quality necessary to support and maintain those existing and classified uses. Section 303(c)(2)(B) of the federal Clean Water Act (“CWA”) requires South Carolina’s water quality standards be reviewed and revised, where necessary, at least once every three years. Referred to as the triennial review, this required process consists of reviewing and adopting, where appropriate, the Environmental Protection Agency’s updated numeric and narrative criteria according to Section 304(a) and Section 307(a) of the CWA. The Department of Health and Environmental Control (“Department”) proposes amending R.61-68 to adopt these criteria the Department deemed necessary to comply with federal regulatory recommendations and revisions. The Department proposes to adopt a revised standard for aquatic life ambient water quality criteria for cadmium, a revised recreational water quality criteria for enterococci, a standard for aquatic life ambient water quality criteria for carbaryl, and a standard for human health recreational ambient water quality criteria for microcystins and cylindrospermopsin to reflect the most current final published criteria in accordance with Sections 304(a) and 307(a) of the CWA. The Department proposes stylistic changes for overall improvement of the text of the regulation. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

History |

NOD published; comment period started:	February 22, 2019
NOD comment period closed:	March 25, 2019
Board approval to publish NPR:	August 8, 2019
NPR published; comment period started:	August 23, 2019
NPR comment period closed:	September 23, 2019
Public Hearing:	November 7, 2019

R.61-69, Classified Waters – Final Amendment

State Register Document No. 4885

General Assembly review required

Link to published Notice of Final Regulation (“NFR”): www.scstatehouse.gov/regs/4885.docx

Status |

NFR published/Legal effect: June 26, 2020

Contact Information |

Andrew Edwards, Bureau of Water
2600 Bull Street | Columbia, SC 29201
edwardsaj@dhec.sc.gov

Summary |

R.61-69 establishes the State’s site-specific water quality standards and provides a listing of all named and specific unnamed waterbodies, their classifications, and locations. The Department of Health and Environmental Control (“Department”) proposes amending R.61-69 to clarify and correct, as needed, waterbody names, counties, classes, and descriptions. The Department also proposes stylistic changes for overall improvement of the text of the regulation. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

History |

NOD published; comment period started:	February 22, 2019
NOD comment period closed:	March 25, 2019
Board approval to publish NPR:	August 8, 2019
NPR published; comment period started:	August 23, 2019
NPR comment period closed:	September 23, 2019
Public Hearing:	November 7, 2019

R.61-75, Standards for Licensing Day Care Facilities for Adults – Proposed Amendment

General Assembly review required

Link to published Notice of Drafting (“NOD”): [State Register Volume 44, Issue 2 \(Page 14\)](#)

Status |

NOD published; comment period closed

Contact Information |

Bureau of Facilities Oversight

2600 Bull Street | Columbia, SC 29201

HealthRegComm@dhec.sc.gov

Summary |

Pursuant to R.61-75, Standards for Licensing Day Care Facilities for Adults, the Department is responsible for regulating the licensure, certification, inspection, and training procedures of day care facilities for adults. The Department proposes amending R.61-75 to update and revise definitions and requirements regarding obtaining licensure, inspections, violations, training, construction, client records and care, record maintenance and retention, and licensure standards.

The Department may also include stylistic changes, which may include corrections for clarity, readability, grammar, punctuation, codification, and overall improvement of the text.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

History |

NOD published; comment period started:

February 28, 2020

NOD comment period closed:

March 30, 2020

R.61-93, Standards for Licensing Facilities That Treat Individuals for Psychoactive Substance Abuse or Dependence – Final Amendment

State Register Document No. 4954
General Assembly review required

Link to published Notice of Final Regulation (“NFR”): www.scstatehouse.gov/regs/4954.docx

<div>Status </div> <div>NFR published/Legal effect: June 26, 2020</div>	<div>Contact Information </div> <div>Bureau of Facilities Oversight 2600 Bull Street Columbia, SC 29201 HealthRegComm@dhec.sc.gov</div>
--	--

Summary |

The Department of Health and Environmental Control (“Department”) proposes amending R.61-93 to update provisions in accordance with current practices and standards. The proposed amendments incorporate and revise provisions relating to statutory mandates, update terminology to conform to the terminology widely used and understood within the provider community, and revise requirements for incident reporting, staffing and training requirements, medication management, patient care and services, infection control, meal service, emergency procedures, design and construction, fire and life safety, and other miscellaneous requirements for licensure. Proposed revisions also include changing the name of the regulation and facility type to “Facility for Chemically Dependent or Addicted Persons.” The Department proposes this change to parallel the statutory term for this facility type. The facility type may also be referred to as “Substance Use Disorder Facilities” based on current terminology within the provider community. Additional proposed revisions include those for clarity and readability, grammar, references, codification, and overall improvement to the text of the regulation.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

<div>History </div>	
NOD published; comment period started:	March 22, 2019
NOD comment period closed:	April 22, 2019
Board approval to publish NPR:	November 7, 2019
NPR published; comment period started:	November 22, 2019
NPR comment period closed:	December 23, 2019
Public Hearing:	January 6, 2020

R.61-97, Standards for Licensing Renal Dialysis Facilities – Final Amendment

State Register Document No. 4953

General Assembly review required

Link to published Notice of Final Regulation (“NFR”): www.scstatehouse.gov/regs/4953.docx

Status |

NFR published/Legal effect: June 26, 2020

Contact Information |

Bureau of Facilities Oversight

2600 Bull Street | Columbia, SC 29201

HealthRegComm@dhec.sc.gov

Summary |

The Department of Health and Environmental Control (“Department”) proposes amending R.61-97 to update provisions in accordance with current practices and standards. Proposed amendments incorporate and revise provisions relating to statutory mandates, update terminology to conform to the terminology widely used and understood within the provider community, and revise requirements for incident reporting, staffing and training requirements, medication management, patient care and services, infection control, meal service, emergency procedures, design and construction, fire and life safety, and other miscellaneous requirements for licensure. The Department further proposes revisions for clarity and readability, grammar, references, codification, and overall improvement to the text of the regulation. R.61-97 was last amended in 2010.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

History |

NOD published; comment period started:	March 22, 2019
NOD comment period closed:	April 22, 2019
Board approval to publish NPR:	November 7, 2019
NPR published; comment period started:	November 22, 2019
NPR comment period closed:	December 23, 2019
Public Hearing:	January 6, 2020

R.61-7, Emergency Medical Services – Proposed Amendment

General Assembly review required

Link to published Notice of Drafting (“NOD”): [State Register Volume 44, Issue 2 \(Page 13\)](#)

<div>Status </div> <div>NOD published; comment period closed</div>	<div>Contact Information </div> <div>Bureau of Healthcare Professionals 2600 Bull Street Columbia, SC 29201 HealthRegComm@dhec.sc.gov</div>
---	--

Summary |

Pursuant to R.61-7, Emergency Medical Services, the Department is the central authority establishing an emergency medical services program for the state and regulates general licensing, certification, inspection, and training procedures. The Department proposes amending R.61-7 to update and revise definitions and requirements regarding obtaining licensure, inspections, personnel, enforcement, ambulance permits, training, vehicles, medical equipment, patient care, Do Not Resuscitate (“DNR”) Orders, record maintenance and retention, and licensure standards. The Department may add language to incorporate current provider-wide exceptions applicable to emergency management services.

The Department may also include stylistic changes, which may include corrections for clarity, readability, grammar, punctuation, codification, and overall improvement of the text.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

<div>History </div>	
NOD published; comment period started:	February 28, 2020
NOD comment period closed:	March 30, 2020

R.61-24, Licensed Midwives – Proposed Amendment

General Assembly review required

Link to published Notice of Drafting (“NOD”): [State Register Volume 44, Issue 2 \(Page 14\)](#)

<div>Status </div> <div>NOD published; comment period closed</div>	<div>Contact Information </div> <div>Bureau of Healthcare Professionals 2600 Bull Street Columbia, SC 29201 HealthRegComm@dhec.sc.gov</div>
---	--

Summary |

Pursuant to R.61-24, Licensed Midwives, the Department is responsible for regulating the general licensing, certification, inspection, education requirements, and training procedures for midwives. The Department proposes amending R.61-24 to update and revise definitions and requirements regarding obtaining licensure, inspections, violations, training, responses to medical emergencies, required physician approvals, client records and care, record maintenance and retention, and licensure standards. The Department may add language to incorporate current provider-wide exceptions applicable to midwifery.

The Department may also include stylistic changes, which may include corrections for clarity, readability, grammar, punctuation, codification, and overall improvement of the text.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

<div>History </div>	
NOD published; comment period started:	February 28, 2020
NOD comment period closed:	March 30, 2020

R.61-96, Athletic Trainers – Proposed Amendment

General Assembly review required

Link to published Notice of Drafting (“NOD”): [State Register Volume 44, Issue 2 \(Page 13\)](#)

Status NOD published; comment period closed	Contact Information Bureau of Healthcare Professionals 2600 Bull Street Columbia, SC 29201 HealthRegComm@dhec.sc.gov
---	--

Summary |

Pursuant to R.61-96, Athletic Trainers, the Department is the central authority that shall establish and regulate minimum qualifications for those individuals wishing to offer athletic trainer services to the public. The Department proposes amending R.61-96 to update and revise definitions and requirements regarding obtaining licensure, inspections, personnel, training, record maintenance and retention, the incorporation of statutory changes allowing for monetary penalties, and licensure standards. The Department may add language to incorporate current provider-wide exceptions to athletic training services.

The Department may also include stylistic changes, which may include corrections for clarity, readability, grammar, punctuation, codification, and overall improvement of the text.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

History 	
NOD published; comment period started:	February 28, 2020
NOD comment period closed:	March 30, 2020

R.61-19, Vital Statistics – Proposed Amendment

General Assembly review required

Link to published Notice of Drafting (“NOD”): [State Register Volume 44, Issue 3 \(Page 18\)](#)

Status NOD published; comment period closed	Contact Information Vital Stats Reg 2600 Bull Street Columbia, SC 29201 VitalStatsReg@dhec.sc.gov
---	---

Summary |

Pursuant to R.61-19, Vital Statistics, the Department provides and maintains a system for the registration and certification of births, deaths, marriages, divorces and other data related to the registration and certification of vital records. The Department proposes amending R.61-19 to remove obsolete sections, add and update definitions, provide for consistency with anticipated advancements in the Department’s vital statistics system, address advancements in processes for the creation and amendment of vital records, and bring the regulation into conformity with changes in South Carolina law. Additionally, the Department may consider revisions to the current fee schedule.

The Department may also include changes such as corrections for clarity and readability, grammar, punctuation, codification, and regulation text improvement.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

History 	
NOD published; comment period started:	March 27, 2020
NOD comment period closed:	April 27, 2020

R.61-23, Control of Anthrax – Final Repeal

State Register Document No. 4880

General Assembly review required

Link to published Notice of Final Regulation (“NFR”): www.scstatehouse.gov/regs/4880.docx

<div>Status</div> <div>NFR published/Legal effect: June 26, 2020</div>	<div>Contact Information</div> <div>Mike Elieff, Bureau of Public Health Preparedness 2600 Bull Street Columbia, SC 29201 elieffma@dhec.sc.gov</div>
--	---

Summary

R.61-23 was promulgated July 1960 to prevent and/or control the ownership, possession, or transport of anthrax into or through the state. This regulation is no longer needed, as the federal government established Select Agent Regulations, at 7 C.F.R. Part 331 and 9 C.F.R. Part 121, setting forth requirements for possession, use, and transfer of select agents and toxins. The Federal Select Agent Program oversees and regulates the possession, use, and transfer of biological agents. The Federal Select Agent Program is jointly comprised of the Centers for Disease Control and Prevention/Division of Select Agents and Toxins and the Animal and Plant Health Inspection Service/Agriculture Select Agent Services.

<div>History</div>	
NOD published; comment period started:	February 22, 2019
NOD comment period closed:	March 25, 2019
Board approval to publish NPR:	May 9, 2019
NPR published; comment period started:	May 24, 2019
NPR comment period closed:	June 24, 2019
Public Hearing:	August 8, 2019

R.61-1, Medical and Dental Scholarship Fund – Final Repeal

General Assembly review required

Link to published Notice of Final Regulation (“NFR”): www.scstatehouse.gov/regs/4898.docx

Status |

NFR published/Legal effect: June 26, 2020

Contact Information |

Bruce Busbee, Office of Budgets and Financial Planning
301 Gervais Street | Columbia, SC 29201
busbeebc@dhec.sc.gov

Summary |

The Department of Health and Environmental Control (“Department”) proposes repealing R.61-1, which implements a Medical and Dental Scholarship/Loan Fund established by S.C. Code Sections 59-111-510 through 59-111-580. The Fund was intended to provide financial assistance for medical and dental school educations to recipients who would agree to practice in a rural area of the state for a specified period of time. The fund had originally been a scholarship program when the regulation was first adopted but was converted by statute to a loan fund in 1985; however, the regulation was never amended to conform to the amended statute. The General Assembly last funded the program in the 1988 Appropriations Act for the 1988-1989 fiscal year. The last recipients completed their service obligations in 1996 following three years of residency and four years of service.

In 1989, when the S.C. General Assembly ceased to fund the Medical and Dental Loan Fund, it established a Rural Physician Program to address the undersupply of clinicians in rural and underserved South Carolina communities. The new program is administered by the South Carolina Area Health Education Consortium and fiscally managed by the Medical University of South Carolina. The program provides incentive grants for primary care physicians and advanced practice professionals who commit to practice in a rural or underserved area of South Carolina for a period of four years. Per S.C. Code Section 59-123-125, the Department’s only current involvement with this fund extends to the SC DHEC Commissioner/Director or designee serving on the Rural Physician Board. Mark Jordan, Director of DHEC’s Office of Primary Care, has served in this capacity since 1998.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of this repeal.

History |

NOD published; comment period started:	March 22, 2019
NOD comment period closed:	April 22, 2019
Board approval to publish NPR:	September 12, 2019
NPR published; comment period started:	September 27, 2019
NPR comment period closed:	October 28, 2019
Public Hearing:	December 12, 2019